

10.18.23 meeting memo

#4. Since it was so interesting, I put the whole presentation verbatim from the Jericho folks into the minutes so both commissioners and Housing Committee members could review it at their leisure. They have invited us to visit them in Jericho to continue the conversation and share with them what we have done, possibly to collaborate in some way. Lots to consider.

#5. At our last meeting we talked about two improvements we might make to our I/C – PUD amendments. One was to add the C district to mirror the changes we were making to the I/C district. Despite my earlier enthusiasm for this idea I now feel it is not a good idea for the following reasons: 1) we had a ground rule that we would only change districts that we had public outreach on. Because we have not considered these districts in this context yet, we have no idea whether or not the restriction that we are proposing for Residential- PUD- only on currently residential lots is appropriate, or whether those other districts need some other regulation. 2) if we altered the C district we should also alter the V/C district because that district also has the same ambiguities. This is gathering in a lot more property owners that would have to be notified and brought up to speed on the whole issue. I think this would delay things significantly, which we have been trying to avoid.

The C district, you remember, not only has the parcels near the I/C district, for which the new reg might be suitable, but also a piece down around the VYCC (which should really be put back into the A/R), and the portion in Jonesville, which is a whole other unknown, as well as the Round Church Corners Complex area, which we are currently contemplating combining with the V/C district (Railroad St). In the last conversations I had with Heidi Bormann (C) and Dan Noyes (V/C), both said they didn't want any residential uses in their districts, but we need to have further conversations about this, because I'm not sure that this is what they or we really want. I really think these two districts need to be looked at wholistically, at which time we can add them to the PUD section similarly to what we are doing for the I/C here if those changes seem suitable. Meanwhile, they will just have to muddle along as they have been doing, with just a slight improvement in the clarity of the PUD section.

End result: just the I/C has the key change. Much simpler and easier to move through the PC and SB public hearing process. Many less owners to notify. Other districts we will consider later.

The other improvement we talked about was making sure that the language prevented the gradual conversion of lots to residential- only through a series of (unlikely) steps: mixed- use- PUD-to- undeveloped-lot-to-residential-PUD. I'm pretty sure the existing language does this by way of the "date of adoption" being the absolute cut off for a lot being able to utilize this provision, but I changed it to "prior to" rather than "as of" which I think is a brighter line. **Further, a statement was included in 5.12.2(b) "that no new lots shall be created and in 5.12.4 that subdivision review will be concurrent with any amended PUD. Work on this language.** So in the packet is the mini-redline, the clean copy, the bylaw report, a letter going out to the I/C owners, and the motion to approve. Full redline to follow. The town attorney may or may not have a chance to look at it by 10.18.23.

#6. Several reasons for revisiting this provision and its relationship to the Multiunit Development Standards (section 6.13) If you remember, we put this in as an alternative to the restrictive but easy-to-permit ADU and duplex exemptions to the one-principal-structure-per-lot traditional regulation (section 4.5) in order to provide another pathway to increased housing This option is less restrictive but has less built-in statutory support. It rounds out a suite of pro-housing options. It is currently a Permitted Use in our two R/C districts.

Resistance has been expressed by some of the neighbors in the VRN districts to having this provision in their neighborhoods, especially without the oversight of the DRB. This has been included in recent

drafts for the VRN's. It is not something that is required by Act 47, but an extension of the work done on the R/C districts, and I think we should discuss it before continuing on with the VRN's. This ties in with Tyler Machia's concern below.

Tyler has tested the water of administering this new regulation (in the V R/C district) and has found it somewhat unclear and uncomfortable for him as a ZA because he has had to make some subjective decisions, in particular about subsection 6.13.7 ("Privacy") of the Multiunit Housing Standards. These standards we added to our regulations to help ensure that the new multiunit buildings that we were adding to the zoning (now required by Act 47) would be built as "good neighbors" and would be attractive and habitable places for people to live which didn't degrade neighborhoods or lower property values. These standards were recommended by the Housing Consultant, Brandy Saxton, in her final report to the SB and PC.

The language of 6.13.1 requires the standards to apply to buildings that create 3 or more dwelling units on a single lot, so they can also affect projects that are utilizing the "two principal structures" provision. We will discuss the ways in which we could make this a little easier for Tyler if we wished, without altering the basic provision. I think these are both important additions to our regulations, but could be altered somewhat without changing their function.

Following up to Alison's concern, regarding the recent flooding, I read over the language in Act 47 that provides an extensive definition of an area "served by municipal water and sewer infrastructure" [24 VSA 4303 (42)(A)] which seems to provide the exemption we need to not have to require the 5 U/A minimum density (.2A or 8,712 sf) in areas which flood. We can discuss this a bit. I have also sent a question to Jacob Hemmerick about this. Looking at the Flood Hazard map, there are a number of residences that are in the Flood Hazard Zone in our VRN's, and we will need to identify these if we are going to exempt them from Act 47 as we move forward with these districts.